

**Statement of**  
**Robert P. Sedlock, Manager, Fixed Guideway Safety Oversight,**  
**New Jersey Department of Transportation**  
**Before the Subcommittee on Highways, Transit and Pipelines**  
**Committee on Transportation and Infrastructure**  
**United States House of Representatives**  
**Hearing on “Transit Safety: The Federal Transit Administration’s**  
**State Safety Oversight Program”**  
**July 19, 2006**

**Introduction**

Chairman Petri, Ranking Member DeFazio, and Members of the Subcommittee, thank you for the kind invitation to speak with you today on the topic of State Safety Oversight in transit. On behalf of Governor Jon Corzine and Commissioner of Transportation Kris Kolluri, our State extends its appreciation to the Subcommittee for your interest in the State Safety Oversight Program in New Jersey and across the nation. We are very grateful to our Congressman LoBiondo and Congressman Pascrell and all the members of this Subcommittee for your leadership and very fine work in transportation safety, as reflected in the major enactment last year of SAFETEA-LU. Thank you for your strong commitment to safety in transportation.

**Safety Oversight and System Safety**

Serving as manager of the Fixed Guideway Safety Oversight Office of the New Jersey Department of Transportation, from its inception under the Federal Transit Administration’s (FTA) program, I have had the opportunity to observe for a number of years the application of safety oversight in the context of transit operations. It is clearly a worthwhile endeavor to enhance safety for the public and transit workers. The hallmarks of the Safety Oversight Program are: 1) its approach to safety in a systemic way, instilling risk based safety in all elements of transit development and operations, 2) its independent audits and ongoing reviews of safety, 3) its flexibility in adapting to transit systems of varying size and modes of operation, 4) its goals to identify and resolve safety items, concerns and changes early, and 5) its focus on accountability for all phases of safety and the safety certification process. Such an inclusive, systemic and sustained approach to safety oversight quietly accords critical benefits to the public. Safety oversight and system safety principles are now widely embraced and practiced internationally in the context of commercial aviation and aerospace safety. Similarly, you have included in SAFETEA-LU various provisions in furtherance of highway safety using many of these principles, through data collection, comprehensive state safety plans and systemic reviews. System safety and safety oversight are synonymous demands by transit users and the public in the provision of safe operations for them at a reasonable

cost. The FTA's State Safety Oversight Program is one that is now advanced and is successful, as it incorporates structures for performance and accountability and an in-depth system safety approach that may serve as a future model for other modes of transportation.

## **New Jersey Safety Oversight**

Our Office, at this time, has oversight responsibility for a variety of transit properties in the State: 1) The NJT Hudson Bergen Light Rail System (a Design-Build-Operate-Maintain system - New Jersey north), 2) the Newark City Subway System (an older facility which continues to undergo major improvements and expansion - New Jersey north), 3) the Port Authority Transit Corporation (PATCO) Hi-Speed Rail Line (a bi-state transit system between New Jersey south and Pennsylvania, having a strong history of efficiency, which is now in the process of recapitalizing its rolling stock), and 4) the New Jersey Transit (NJT) RiverLine (a Design-Build-Operate-Maintain light rail system - New Jersey south, operating partly on freight rail track). The diversity of properties, operations, owners, operators, and other characteristics of these systems gave us pause in the development of our oversight efforts, to assure that the requirements were workable within such diversity. The variety of properties and their locations also involves coordination and communication with various federal agencies including, FTA, FRA and TSA through their national offices and through six regional Federal offices that interface with the transit systems in New Jersey, north and south.

As noted previously, a key accomplishment of the FTA State Safety Oversight Program is the structuring of accountability for the public safety. Our experience is that this has been particularly helpful in the context of the two Design-Build-Operate-Maintain (DBOM) light rail systems recently built in our state. Accountability is defined through the oversight process, and it is accorded to both the owner (transit agency) and the operator (contractor) of the transit system.

We also note that state oversight under the program has been very critical at early stages of the development of a new transit system. Our experience has been that it is optimal to become involved early in the life cycle of a transit system in order that safety is in the forefront of the endeavor and that system safety is incorporated in all phases (planning, design, construction, procurement, systems integrated testing, operations reliability demonstration, and revenue passenger operations) of a modernization or new construction project. One can also envision that the work of the FTA program in safety will have utility for transit equipment manufacturers, as they develop the next generation of transit rolling stock and infrastructure. Early inclusion of system safety, through the safety certification and oversight mechanisms, clearly provides significant safety and economic benefits for the public and the transit agency.

## **Evolution of the FTA Program**

The Federal Transit Administration's State Safety Oversight Program has evolved since Congress passed the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which added Section 28 to the Federal Transit Act to develop state-managed safety oversight programs for rail transit operations. The early regulations under 49 C.F.R. Part 659 have been recently amended, providing for earlier involvement of the oversight process and delineating clearer direction in formulating the oversight program. During the early stages of the oversight program, many of the states, including ours, established a close working relationship with the transit agencies, and through cooperative efforts were able to conduct many of the safety tasks early in the project's development, even though the original FTA regulations formally took effect just prior to commencement of revenue service. The Federal Transit Administration's new rule (49 C.F.R. Part 659), issued April 29, 2006, resolved a major draw back in the original regulations, by implementing the oversight program in the planning and preliminary design stage of a project. The change will ensure a partnership approach between the transit systems and oversight agencies, in addressing safety, security and certification issues well in advance of scheduling the system for revenue operation.

Working with the oversight agencies, the FTA staff formulated Implementation Guidelines and a Tool Kit with templates, which greatly improved the quality of its State Safety Oversight Program. Clear directions and guidance, supporting FTA's revised rule, have enhanced the program and have helped clarify and resolve various instructional and requirement interpretations.

Oversight agencies know that strong guidance over the years has "paid-off" when (during the course of meetings and reviews) the transit agencies provide the answers even before the oversight agencies ask the questions. Such is an excellent performance measure.

## **Challenges and Opportunities**

The benefits of FTA's State Safety Oversight Program are qualitatively observed from our perspective in the states. At times, these benefits are difficult to quantify – it is very difficult to measure something that does not happen (accidents, fatalities, injuries that are prevented), and it is even more difficult to ascribe such non-events to specific interventions. Though our safety endeavors do save lives from serious accidents, we will never really know how many lives we have saved and spared injury. Such is part of our job, yet we continue our work in earnest, recognizing its critical importance. It is important to recognize that safety is an ongoing effort, day in and day out. The oversight program is designed with this in mind, requiring periodic audits, frequent reviews, re-certifications, ongoing training, etc.

Important challenges, shared among the states, are the resource needs associated with sustaining expertise, personnel retention, and ongoing training. System safety and safety oversight require a very specialized approach, which needs to be continually emphasized to all personnel involved (whether at the oversight agency, the transit entity, operators, contractors, etc.). For some states, it is difficult to sustain adequate funding for this important yet unfunded Federal mandate. It is particularly difficult to provide adequately for succession of personnel, their training and related costs. Though there has been Federal assistance in the context of the establishment of safety oversight offices under the New Starts program, there is no sustained funding source for ongoing state oversight activities. This has led to disparity among the states in the levels and expertise of staffing in the oversight function. Though safety oversight is actually a bargain and minimal in relation to the costs of transit operations, a sustained, reliable, discrete funding under the Federal surface transportation legislation is not provided for the states with respect to their safety oversight offices.

As part of the FTA's requirements for New Starts projects, funds are available for the start-up and operation of the oversight agency through the commencement of revenue service. However, continuing transit safety oversight remains as an unfunded, necessary mandate that requires adequate resources. Many states operate with minimum staff (lean and mean) and must find operating funds from various other offices or departments, as well as through invoicing the transit agencies for services such as the three year (audits) reviews. With reliable and sustained funding provided to the states, oversight agencies could move their programs from a priority-based environment to a task-oriented implementation effort. Thereby, more staff, greater expertise and added performance would be available for this important function, through funds supporting staffing and training.

The FTA, with FRA, NTSB, TSA and TSI in attendance, recently held a performance review meeting in St. Louis with the various state safety oversight offices and officials from around the nation. The meeting included a complete review of each oversight agency's updated safety and security programs and their compliance with FTA's new rule. Since the FTA provided funds for travel and lodging, most states were able to attend the event, which resulted in one of the most successful meetings for both the federal and state agencies. The performance reviews, the training session, the information provided by the attending Federal agencies, and the invaluable exchange of ideas and experiences among all the agencies and participants, provided insights to improvements, updates, and examples of how to accomplish well the safety oversight function. The FTA is applauded for this and should consider the St. Louis meeting as a template for all future meetings and program reviews of the oversight agencies. Congress is also applauded for appropriating the funds that facilitate such national specialized training for the public safety.

## **Conclusions**

Thank you for the opportunity to share our experiences with you regarding the FTA State Safety Oversight Program. Those experiences have been very positive and fruitful. Much thought, work and collaboration have gone into the development of this program over the years, for the benefit of the public.